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NORTH AMERICAN REVIEW

JANUARY, 1917

THE YEAR AND THE WORLD

It would be difficult to characterize 1916 in a word or in a phrase. There have been years which could thus be characterized. This one was prosperous, and this one was unfortunate. This was marked with great achievements, and this with great disasters. So historians and philosophers have affected to designate centuries and eras; and for the practice there has been much plausible basis. But what could we say of the year which has just closed? It was a year of monstrosities in peace and in war; of good and of bad; of comedy and tragedy; of humanity ennobled almost to god-like stature, and of humanity debased to the level of the fiends. Seldom in our time, if ever, has there been such cause for reckoning the world well rid of the year—if only we were assured that the New Year would not be a continuation of the Old.

The year was dominated by the War, and the war was dominated by the vibrations of the Pendulum above the Pit. Never before were there such alternations of fortune, and never did the pit so hideously yawn at the feet of the affrighted world. There were at the beginning a great Russian drive in Galicia and Bukowina, and a Teutonic drive in Serbia and Montenegro. Later came a still greater Russian drive all along the eastern battle front, supplemented by a

Roumanian drive at Transylvania, followed by a gigantic Teuton drive which overwhelmed Roumania and threatened South Russia itself with invasion. The Russians swept from the Caucasus triumphantly to Erzerum, to Bitlis, to Erzingan and Trebizond, to Kermanshah and Ispahan; and the British surrendered to the Turks on the Tigris, and the Allies withdrew from their ghastly failure at Gallipoli. The Serbs gallantly rallied and with Allied aid recaptured Monastir, while the Roumanians surrendered without a blow Bucharest, which had been vaunted as one of the most impregnable fortresses in Europe.

At the west the vibrations of the pendulum were mightier still. The whole strength of Germany, led by the Crown Prince in person, was launched against Verdun, where a stubborn Frenchman said, "They shall not pass!" It was perhaps the most colossal and the most costly assault ever made upon any place in all the history of the world; but though prolonged for weeks and months, with losses reckoned by hundreds of thousands, "they did not pass." In return the French made counter drives which forced the Germans back, and one of which in mid-December struck its foe with panic and demoralization. In the autumn the Allies made upon the Somme their greatest drive of all the war, and promised at one moment to break clear through the last German line to the untrenched lands beyond. But though they drove far, their drive was checked, and the year closed with the armies facing each other again in sullen deadlock. Italy took Gorizia, but left Trieste still untouched; the Arabs revolted against the Turks and raised the standard of independence at Mecca itself; and only a part of East Africa was left of all the German colonial empire. Yet German aircraft again and again raided England and bombarded London itself, while German submarines claimed their prey almost daily, even in the British Channel and on this side of the Atlantic. A British battle fleet vanquished a German fleet off Jutland, but a German mercantile submarine eluded the British blockade and made two successful voyages to America.

The year began with Great Britain's adoption of conscription, and there followed changes in the British Cabinet, and in the French, Russian and German Governments, the redoubtable Von Tirpitz retiring from the head of the German Admiralty. But these changes led to no more effective

prosecution of the war, and at the close of the year there were actual revolution in the British and French Governments. Mr. Asquith was forced to retire from the Prime Ministership and was succeeded by Mr. Lloyd George, with a coalition cabinet, a war council, and a distinctively "fighting" programme. Italian troops were landed in Albania, and Russian troops were landed at Marseilles to join the French forces on the western front. Greece, halting between two opinions, became the victim of both sides and lost her opportunity of allying herself effectively with either.

One of the most pitifully tragic events of the year was in Ireland. There a conspiracy of enthusiasts, at German incitement and with German backing, sought to make England's extremity their opportunity. The banner of revolt was raised, and much blood was shed at Dublin. The uprising was quickly suppressed, with much severity, and the leaders of the movement, captured, were put to death as traitors. It was a movement which the leaders of the Irish people strongly condemned, but it roused widespread passions and left behind it an increased bitterness of feeling which time will not soon abate.

The greatest war council of the Allies was held at Paris in March, and in June England lost her greatest soldier and the creator of her army when Kitchener of Khartoum was drowned in the sinking of a naval vessel in the Scottish seas. Eleutherios Venizelos rebelled against the King of Greece, and received recognition from the Allies, who occupied Athens, compelled the demobilization of the Greek army, seized the Greek fleet, and expelled from that country the ministers of hostile Powers. The Teutonic empires retorted by proclaiming the erection of new Polish and Lithuanian kingdoms, under German protection, out of territory belonging to Russia and temporarily occupied by Teutonic armies. Portugal formally entered the war, with hostile declarations between herself and Germany, the Portuguese operations being confined chiefly to the confiscation of all German ships in harbor, while the Germans retaliated with a submarine raid upon the Madeira Islands.

Germany more and more ravaged and destroyed neutral commerce with her submarines, provoking bitter remonstrances from Holland and Norway. Great Britain and France, on the other hand, made more severe their blockade policy. Neutral firms, in America and elsewhere, which were sus-

pected of German connections, were "blacklisted" and shut off from all British or other Allied trade, and censorship of merchandise and of the mails was made more rigorous than ever. These things attracted much attention and aroused much resentment of feeling in the United States, but provoked no action. The President denounced the German submarine campaign as inevitably and necessarily a violation of the most sacred principles of justice and humanity, of the undisputed rights of neutrals and of the immunities of non-combatants, and declared that if it was not abandoned the United States would have no recourse but to sever all diplomatic relations with Germany. But Germany defiantly persisted in the campaign, even extending it to the coastal waters of America, just outside our territorial limits, destroying merchant ships in the immediate presence and under the direct observation of American naval vessels, without incurring the penalty which the President had declared to be inevitable. The President also protested against the commercial blockade policy of the Allies, but with no more effect.

Perhaps the most noteworthy vibration of the war pendulum, however, was that effected by the German Government in its attitude toward peace proposals. At the beginning of the year, and through it until near its close, the German attitude, frequently and aggressively expressed, was that of entire unwillingness to make the slightest overtures. The pretence was maintained that the Allies had been responsible for the war, and it was for them to sue for peace. Germany was quite content to keep on fighting, assured of complete victory. Then, in the first part of December, with the suddenness of the proverbial "bolt from the blue," came a complete reversal. The German Chancellor summoned the Reichstag to what he described in advance as one of the most momentous and historic meetings that body had ever known, and announced to it that he had sent to the United States and other neutral Governments explicit overtures for peace, to be transmitted by them to the Allied Powers. The terms contemplated by Germany were not definitely disclosed, but semi-official intimations indicated them as practically a recognition of Germany's victory in the war. It was assumed that Germany was, indeed, to retire from Belgium and northern France. But at every other point she was to be the conqueror. All of Poland and Lithuania were to be taken

from Russia and placed under German protection; Serbia was to be made practically an Austrian province; Bulgaria was to be aggrandized at the expense of Serbia and Greece; Turkey was to be confirmed in her retention of Constantinople, and all the German colonies in Africa and elsewhere were to be restored. Such were the confident impressions of Germany's scheme of peace. Yet it seemed impossible that the German Government expected these terms to be accepted, or even seriously considered as a basis for negotiations; and the significance of its offering of them had to be sought in a widely different direction. The German note was transmitted to the Allied Powers by President Wilson without comment or recommendation, and was regarded by them as unworthy of serious consideration.

At the very time that this amazing proposal for peace was made, Germany was engaged in what was in some respects the most nefarious operation of the war. This was nothing less than the forcible deportation of the manhood of Belgium into practical slavery in alien lands. Cynically pretending that he was doing it for their own good, the German Military Governor of Belgium first prevented Belgians from engaging in industries in their own land, and then, declaring that their idleness was an intolerable vice, forcibly deported them by scores of thousands. Some were taken to Germany, to work in munitions factories in place of Germans who would thus be released to enter the army, and some to the battle front, to be employed in digging trenches for the German army. The obvious purpose was thus to exile practically every able-bodied man in Belgium. This, said the German Governor, who had been the murderer of the English hospital nurse, Edith Cavell, would make it possible to keep Belgium in order with the smallest possible German garrison. It was impossible not to interpret these doings as indications of weakness and of a desperate effort to maintain the German lines intact.

The most notable personal episode in European history during the year was the not unexpected death of the aged Emperor of Austria and King of Hungary, after the longest reign in modern history. It had for years been prophesied that this event would be the signal for the dissolution of his conglomerate realm, and it is not improbable that such would have been the case had he died in time of peace. But under the stress of the great war, and with the Dual Realm prac-

tically under the military rule of Germany, the old sovereign passed away and his successor assumed his place without the slightest hitch in the progress of domestic affairs.

The year in America was marked with monstrosities and anomalies scarcely comparable, it is true, with those of Europe, yet differing from them not as much in kind as we might have wished. Our relations with Mexico, which for two years had been an international scandal, showed little symptoms of improvement. Victoriano Huerta, whose deposition from the Presidency we had insisted upon in the preceding year, died; but his death did not diminish the hostility between the two countries. The war, waged without being formally declared, continued. Francisco Villa, the most masterful and resourceful of all the brigand chiefs who are partitioning the unhappy land among them made a considerable raid into the United States, committing many murders, robberies, rapes and other atrocities; and then, because of our unpreparedness after years of warning, made good his return to his Mexican fastnesses. A "punitive expedition" was sent after him, far into Mexico, with orders which were popularly epitomized as "Get Villa!" Owing to a pitiable and grotesque lack of equipment, its progress was slow and its action ineffective. It did not "get Villa" nor stop his pernicious activities, and it was in no real sense "punitive"; its chief results being heavy expense, the loss of more lives, and further exacerbation of the ill-feeling between the two countries. Prolonged and tedious conferences between American and Mexican commissioners, in this country, for a settlement of issues, proved of little profit.

The need of massing all possible troops upon the Mexican border, together with the pungent example of Europe, spurred the Government to action for preparedness. The leaders of both parties in Congress agreed that something must be done for a prompt increase of military strength, though they did not agree as to what that something should be. After much discussion and many conferences it was agreed to authorize an increase of the standing army, but the chief reliance was apparently placed in "Federalizing" the National Guard. This latter scheme involved the swearing in of the various State militia organizations, into the Federal service, and the sending of them to the Mexican

frontier. Transportation arrangements proved inadequate, and supplies of clothing and arms were sadly lacking, so that much dissatisfaction and actual suffering resulted. The net outcome was a deplorable demoralization of the National Guard, and a widespread conviction, shared by many of the most competent military authorities, that the scheme of a "Federalized National Guard" was a gross failure.

Congress had a long session, lasting until Autumn; occupied with many important measures, some of which were enacted while others were postponed to the next session. Prominent among them were the increase of the army, already mentioned; a very great increase of the navy, including the construction of battle cruisers and of battleships more powerful than any now existing in the world; prohibition of interstate commerce in the products of child labor; the Philippine independence bill; a rural credits system; a shipping bill; and a bill enacted under the dictation of organized labor, purporting to establish an eight-hour day in railroad employment, but, in fact, intended to increase by twenty-five per cent the wages of certain classes of employees.

The most striking feature of domestic politics was the Presidential campaign and election; President Wilson and ex-Justice Hughes being the rival candidates. The campaign was unique in American political history in the number and magnitude of issues or factors which were quite novel and the effects of which could not be discounted or estimated in advance. One was, the return or non-return of the Progressives to the Republican ranks, which proved to vary greatly in different States. A second was the factional issue aroused by sympathies pro and contra in the European war; which probably had after all a negligible effect. A third was the voting of some millions of women for the first time in a Presidential election; which is widely believed to have decided the results in several Western States. The cry that the President had kept us out of war had, too, much influence; coupled with the realization that inflated trade in war supplies had brought temporary prosperity to many communities. The outcome was the re-election of President Wilson by a popular majority of 464,797 in a total vote of 17,738,773, and by an electoral majority so small that a change of less than 2,000 of the 900,000 votes in California would have elected Mr. Hughes.

THE TERMS OF PEACE

GERMANY proposes peace. That is the paramount feature of the European situation. A German authority insists that the Empire does not ask peace, but offers it. We need not haggle over that distinction; though it is of unmistakable significance that the first overture comes from the very Power which hitherto has resolutely and unvaryingly declared that it was not its place to make it and that it would not make it. Let that pass. The fact is that the proposal has been made.

We shall not question its sincerity. It may indeed partake of the nature of a shrewd diplomatic device, calculated either to arouse dissension among the Entente Allies or to bring upon them the odium of the world; though we should doubt it, because for either of those purposes it would be foredoomed to failure. But if that were so, we should still believe in its essential sincerity. Reason declares it to be axiomatic that Germany desires peace. So do her allies. So do all the Entente Allies. So do all the other nations of the world; not excepting those which are pecuniarily most greatly profiting from the war. The wish for peace is universal.

The question concerning the reception and disposition of Germany's proposal by the Entente Allies is not, therefore, whether they want peace, but whether a satisfactory basis for peace can yet be found. In making the overture Germany named no specific terms. Yet upon the terms everything depends. All want peace, but none save the small minority of maudlin pacifists want peace at any price. Strongly as peace is desired, it would be just as strongly rejected if it were offered at too high a price. For peace, after all, is not the supreme desideratum. There are other things to be preferred before it.

One is Good Faith. We mean specifically good faith among the belligerent Powers. Precisely what compacts there are among the Central Allies the world has not been informed; but whatever there are, they should be faithfully maintained. The world does know that the Entente Allies are pledged to stand together until the end of the war, and to agree individually to no peace that is not acceptable to all. Thus far they have kept that pledge with splendid loyalty, and it is to be assumed that they will do so to the end,

whether that end be near or far. That they should do so is more important than that peace should be made; not because we want to see them thus hold out for extreme measures against Germany, but because we want to see faith vindicated and pledges proved to be more than mere words or scraps of paper. The world could endure the prolongation of the war for years better than it could endure the destruction of good faith and confidence among the nations.

Another thing superior to peace is Justice. Here we mean not alone general justice, in the abstract, but specifically and concretely justice for Belgium. The world cannot afford to have peace made on any terms which do not provide for the fullest possible righting of the wrongs of that country. They can never be fully atoned. No power can restore murdered lives or ravished virtue, or rebuild Louvain and Ypres as they were. But it is possible for every rood of Belgian soil to be returned to Belgian sovereignty, and for a cash indemnity to be paid which will restore every cent of tribute which has been exacted and will replace the cities which have been razed and the industries which have been destroyed. We may say unhesitatingly that nothing short of this would be creditable to the Entente Allies or satisfactory to the neutral world. And that again is not because we simply want to see Germany compelled to pay roundly for her ravages, nor even because of sympathy with the Belgians in their unutterable woe. It is because it would be an insufferable blow to the moral fiber of the world to let so great an injustice go unavenged. The world could afford unnumbered years of war far better than it could afford to have established the monstrous principle that small nations have no rights which great nations are bound to respect. There is no truer word in international affairs than that of Wordsworth, that "every independent nation is interested in the maintenance of the national independence of every other country." A peace in which the rights of Belgium were ignored would be an affront and a menace to every other nation on the surface of the globe.

A third thing which must be held superior to peace is Law. We mean the vindication of international law, in its written letter, apart from the great principles of justice such as that which we have just been discussing. There is such a thing as international law, just as definite in text as national or municipal law. In this war it has been violated as

never before. On land and on sea it has been violated, in the conduct of the war, in the treatment of the conquered, and in the treatment of non-combatants and neutrals. There can be no peace made that will be satisfactory to the neutral world which does not take those outrages into account and which does not impose a suitable penalty for them, so that law will be vindicated and will emerge from the crash of conflict not shattered and demoralized, but honored and confirmed.

There is still another thing which deserves to be considered above peace, though to some it may not altogether correctly seem to be a matter of expediency rather than of morals. That is Security. We mean security against the recurrence of such a war as this. That is surely demanded by expediency, and by common sense. It would be supremely foolish for the Powers to go through years of this unspeakably costly war, and then to make peace on terms which gave them no guarantee that the next year or the next generation would not see another such war begun. But it would be more than foolish. It would be immoral and criminal to fail to require the utmost measures of security which ingenuity could devise and which resolution could impose and enforce. Any terms of peace which did not give the world such guarantees would be not merely unsatisfactory. They would be offensive and revolting.

We have mentioned these four principles as fundamentally essential to satisfactory peace, because they are things which concern us as much as they do the belligerents themselves. There are many terms of peace to be settled which do not directly concern us. We are not entitled to dictate or to advise concerning the indemnities which are to be paid, save in such a case as that of Belgium. It is not for us to say whether France shall regain Alsace and Lorraine, and Italy Italia Irredenta; or what shall become of Albania; or who shall possess Constantinople. The disposition of the former German colonies in Africa is of no concern to us. The belligerents may settle these matters among themselves as it pleases them to do; excepting in so far as their settlement of them may affect the general international principles which we have enumerated.

But in Faith, and Justice, and Law, and Security, we are directly and vitally concerned, and we have a right—indeed, the duty—to insist that those questions shall be disposed of

with due regard for our interests and for the interests of the whole world. No other war that ever was fought touched world-wide humanity at so many points as this, and in no other peacemaking was the whole world so imperatively entitled to be heard and to be considered as in that which will come at the end of this war.

It will be obvious, moreover, that this fact has a very direct, practical and important application to the policy of this nation at the present time, and during all the period which shall elapse between the first proposal and the final complete conclusion of peace. That is, that the United States, as a neutral Power, cannot exercise any mediatorial functions nor countenance any negotiations which contemplate the making of peace on any other terms than those which alone would be satisfactory to our interests. The general and indefinite proposal for peace negotiations which was entrusted to us by the German Government last month could of course very fittingly be received and transmitted by us to the Powers for which it was intended. So could a correspondingly general reply from the Entente Allies. If the rejoinder were the suggestion of specific terms of peace of a character satisfactory to our interests as a neutral, it would be appropriate and agreeable for us to exercise to the utmost our good offices for the favorable expedition of negotiations on such a basis. But it would be self-stultifying and worse for this country to lend itself in any way to the negotiation of a peace which would condone bad faith, injustice, lawlessness or neglect of guarantees of continued peace. If it were possible—we do not believe it is—for the now warring Powers to come together upon so evil a platform, America should be not even an indirect and remote participant in the infamy, nor give it even the slightest suspicion of moral or diplomatic countenance. On the contrary, it would be our duty to ourselves and to the world to protest against it in the strongest possible manner.

Happily there is, we believe, no danger of such a situation. We do not know what either side will claim as a maximum, or will be content to accept as a minimum in order that the much-desired peace may be made. But we have an abiding and serene confidence that there will be somewhere in the proceedings a resolute, persistent and triumphant insistence upon terms of peace which will be satisfactory to the world's sense of good faith, of justice, of law, and of rational

security against a recurrence of the present unexampled catastrophe. Let us have peace, but let us have it at a price that will make it worth the having.

IS THERE INTERNATIONAL LAW?

THE question may seriously be asked: Does international law still effectively exist? We trust that we shall be able to demonstrate an affirmative reply. To do otherwise would be to deny hope for the world. Yet the question must be asked, and there must frankly be recognized an appalling array of active and aggressive denials of law's existence. For if some of the most definite and valid parts of the law are destroyed, what shall become of the lesser parts? If the written letter is disregarded, how shall nations be held to the unwritten principle?

We must have respect for Grotius and Puffendorf, for Wolff and Vattel, and for all those who have spun fine theories and made benevolent pronouncements of what, in their opinion, nations should and should not do. Yet they do not all agree among themselves, and the nations have never accepted all their formulas and propositions as infallibly binding upon them. Their codes, if indeed codes they can be called, are thus certainly not as binding and as potent as are the explicit pledges which nations have made in signed and sealed treaties. It is one thing, and morally perhaps a pretty serious thing, for a government to do something which Vattel declared, generations ago, it ought not to do. It is another thing, and a very different and immeasurably more serious thing, for it to do something which in a formal treaty it only a few years ago pledged itself not to do.

This latter, however, is precisely what has been done, and is still being done, to an extent and with a flagrancy never before approximated in our history. Let us consider, as a single example, what has been done with the second Treaty of the Hague, or group of treaties, negotiated as recently as 1907. The first of those treaties, in its first two articles, declares that—

With a view to obviating as far as possible recourse to force in the relations between states, the Contracting Powers agree *to use their best efforts* to ensure the pacific settlement of international differences. In case of serious disagreement or dispute, before an

appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

Now, every intelligent man knows perfectly well that that pledge was not fulfilled in 1914. No serious effort was made to fulfill it. It would be impudent to pretend that the Powers used "their best efforts" to effect a pacific settlement; or that they had, or tried to have, recourse to the good offices or mediation of any friendly Powers. The blistering, damning truth is that they made of this Hague treaty a mere "scrap of paper" and went to war as precipitately as they would or could have done had such a treaty never been made.

In the fifth of the treaties, Chapter I, Articles I, II and X, we read:

The territory of neutral Powers is inviolable. Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power. The fact of a neutral Power resisting, even by force, attempts to violate its neutrality, cannot be regarded as a hostile act.

In the very first operations of the war those provisions were flagrantly nullified, and in that nullification of them there has been persistence down to the present moment. The territory of a neutral Power has been violated, and has been used for belligerent purposes, and the neutral Power because of its resistance has been and is treated as an enemy, just as though the treaty of The Hague had never been made.

The fourth of the treaties has a voluminous Annex, containing "Regulations Respecting the Laws and Customs of War on Land," in which we read, in Section I. Articles IV and VI:

Prisoners of war must be humanely treated. All their personal belongings, except arms, horses, and military papers, remain their property. The State may utilize the labor of prisoners of war. The tasks shall have no connection with the operations of the war.

It is notorious that prisoners of war have been inhumanly treated, and have been robbed of their personal property. But still more notorious is the treatment which has been and is being accorded to the non-combatant inhabitants of an occupied neutral country. It may well be claimed that the

conquering Power has no right to utilize by force the labor of such non-combatants, who are certainly in a more favorable position than prisoners of war. But it is indisputable that if it does utilize it, it must at least do so under the restrictions provided in the case of prisoners of war, namely, that "the tasks shall have no connection with the operations of the war." That restriction is disregarded. There is convincing reason for believing that non-combatants are forced to perform tasks directly connected with military operations, such as the digging of trenches at the battle front. It is admitted, with cynical frankness, that those who are not thus employed at the actual scene of war are compelled to take the places of belligerent nationals who are thus freed to go to the front. It would be trifling with the truth to pretend that such tasks "have no connection with the operations of the war." The simple fact is that non-combatants are forced to assist in military operations against their own country.

In Section III, Articles XLVI, XLVII, XLIX, L, and LII, of this same fourth treaty, or its annex, we read:

Family honor and rights, the lives of persons, and private property must be respected. Private property cannot be confiscated. Pillage is formally forbidden. If the occupant levies money contributions in the occupied territory (additional to the ordinary taxes for the benefit of the State), this shall only be for the needs of the army or of the administration of the territory in question. No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible. Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

There is not a single item in all these pledges that has not been repeatedly and openly violated, and the violation of which has not been cynically defended. Family honor, lives of persons, and private property have notoriously not been respected. There has been wholesale pillage. Vast fines have been levied upon the population for the alleged acts of individuals for which nobody but those individuals was responsible. Money contributions have been exacted for other purposes than those named as permissible. Requisi-

tions in services have been demanded for other purposes than the needs of the army of occupation. And again, as we have already pointed out, the inhabitants of the occupied country are being compelled to take part, directly or indirectly, in operations against their own country. This last wrong, one of the greatest of all, is thus committed from a double standpoint.

Once more, in this same annex to the fourth treaty, Section II, Articles XXIII, XXV, XXVII, and XXVIII, we read:

It is especially forbidden to employ poison or poisoned weapons; to declare that no quarter will be given; to employ arms, projectiles or material calculated to cause unnecessary suffering; to destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war. The attack or bombardment, by whatever means, of towns, villages, dwellings or buildings which are undefended, is prohibited. In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided that they are not being used at the time for military purposes.

Yet the use of poisonous gases, and gases calculated to cause extreme and unnecessary suffering, has been one of the chief features of the war. It is officially admitted that in Southwest Africa wells of drinking water were poisoned. It is established that on several occasions an order of "no quarter" has been given. There have been immense seizures and destructions of property entirely apart from the necessities of war—unless to impress the enemy with "frightfulness" is a "necessity of war." Undefended places, which never were defended, have repeatedly been attacked, without warning, and special efforts seem to have been made not to spare but to destroy buildings dedicated to religion, art and science, and priceless historical monuments—such as the Library at Louvain, the Cloth Hall at Ypres, and the Cathedral of Rheims.

Many other examples of treaty violation, as flagrant as these, might be pointed out. As for the violation of treaties and of the general principles of international law, in the destruction of merchant vessels without visit or search, it cries to Heaven in its flagrancy, and is not denied by those who commit it; they cynically saying that it is not conven-

ient for them to observe the law, and therefore they ignore it. Of course, it cannot for a moment be pleaded that "war abrogates all treaties" and therefore these treaties of The Hague have automatically lapsed. As a matter of fact, war does not necessarily abrogate any treaties at all, unless it be those of peace between the belligerents. It would be impudently stultifying to say that it annulled these treaties of The Hague, because they were made specifically and solely for operation and application and enforcement in time of war and between belligerents. It is only in time of war that "Rules for the Conduct of War" are actively valid. In time of peace they are in desuetude.

So we ask again the question: In view of these numerous, persistent and defiant violations of them, do the treaties of The Hague and the general principles and provisions of international law still exist? We must answer, Yes. We insist upon answering, Yes. All the thievery in the world has not abrogated the commandment, "Thou shalt not steal." All the murders since the time of Cain have not by one iota lessened the validity of the commandment, "Thou shalt not kill." So all these monstrous and utterly inexcusable violations of international law have not destroyed nor diminished the majesty or the authority of that law. What they have done is to place upon neutrals, and above all upon America as the chief neutral Power, the vastly increased duty of vindicating that law; and not of waiting until the return of peace to do so, but of doing so to the extent of our ability immediately upon each violation coming to our knowledge.

The world has outgrown the savage principle that "Inter arma, leges silent." If we cannot always enforce the opposite, that in the presence of law arms are stilled, at least we can insist that in the use of arms the fighters shall obey the laws which they themselves have created and agreed upon for that purpose. We are not willing to concede that even so monstrous a war as this has plunged the world back into the abyss of international anarchy. We are not convinced that the resources of diplomacy have been exhausted in the attempt to prevent the violation of treaties and of international law. We have said at the beginning of these remarks that the Powers which are now fighting did not "use their best efforts" to avoid the war. We now add, at their close, that we do not believe that the neutral

Powers have used their best efforts, if not to prevent or to stop the war, at least to restrain it within the boundaries fixed by the consensus of civilization.

“ A BUNCH OF AMATEURS ”

THERE are two views about what will happen after the war in the world of commerce and finance. One is the view that for a long time to come we shall have nothing to fear from Europe. The other is the view that we shall have everything to fear from Europe. The former is the view entertained by, or at least attributed to, President Wilson, and undoubtedly shared by many members of his Administration. It was expounded in a dispatch from Washington that appeared in the *New York Times* of December 4. The *Times* correspondent declared that the President was free of all apprehensions on the score of “ the war after the war.” He holds, it seems, that when peace comes, “ the United States will be in a better position than any other country to compete in the world’s markets.” “ In his (the President’s) opinion a Europe burdened by debt, with taxes on the people heavily increased, industries paralyzed, and unable to be restored for a long time on account of lack of money and inability to get structural material, and with the skilled working population shockingly reduced by the casualties of the war, will be unable to compete with America on the same terms as formerly.” This opinion was reinforced by “ a member of high rank in the Administration ” who stated outright that “ when the war ends Europe will be in no condition to cope with the United States industrially.”

That is one view. Its exact opposite, however, has been expressed by those Americans who have seen at first hand the industrial changes—the word is too mild: it should be the industrial revolution—wrought by the war in the principal countries of Europe, and foremost of all in Great Britain. Thus Mr. James Keeley, the editor of the *Chicago Herald*, recently returned from Europe so affected by what he had observed that on December 12 he addressed an open letter on the subject to the President, the Congress and the people of the United States. So far from anticipating an exhausted Europe, he warns American business that it will be plunged, when peace returns, into a “ battle for existence.” England, he points out, may have slumbered

somewhat in her conduct of the war. But she is "not asleep in the marts of trade." On the contrary, "it is a new commercial and manufacturing England, alive, alert, efficient, and bent on conquest. . . . And England will not have to erect factories and build or import machinery. She has them now, thoroughly equipped, skillfully and efficiently operated." Mr. Keeley foresees the British Government lending its all-powerful aid to British manufacturers and merchants, pushing British trade in all quarters of the world, planting new industries under the shelter of Protection, driving the whole machinery of commerce with unexampled vigor; and he warns America to look to its bulwarks, to get ready, and to establish at once "a high-grade, competent, and confidence-inspiring Tariff Commission" fit to grapple with the "tremendous and difficult task ahead of it."

Which of these two views is correct? Unquestionably the latter. All the belligerent nations have been made over by the war. All have learned the nobility of sacrifice and of work. All have scrapped under the compulsion of necessity whatever prejudices they had against State assistance to trade. All have realized that to be strong and secure they must as far as possible be economically self-sufficient; and all will put forth unparalleled efforts to fill the gaps disclosed by the war in their industrial equipment. All will be poor and their national life will be the hardier and the more wholesome for it. All will be heavily taxed, and compelled therefore to double and redouble their earning power. All have mastered the unexpected lesson, the truth of which we are far from even suspecting, that war is not all waste. War in many of its aspects is economy. It is the art of making one woman do the work of two men, of two men do the work of five, of a dollar serve the purposes of three. It is the welding into a single thunderbolt of whatever there is of skill and initiative and learning and experience along a thousand variegated lines of activity and research. It is the shaking-up on an enormous scale of all the old ways of doing things. It is the tearing down of the careless, slouchy standards of peace and the substitution therefor of the infinitely more exacting standards of a great crisis that cannot be met except by methods as near perfection as human ingenuity can devise. It is the stimulus as of millions of electric batteries to the minds and physical energies and the moral nature of all who come within its radius.

Do not let us be under any illusion. We have made since the war and because of the war a great commercial and financial advance. Can we maintain it? It has come about by no effort on our part, through no superior virtue of efficiency, simply as the result of the play of chance. But to keep what has thus been thrown into our laps will call for an effort almost as searching as that which the war has imposed upon the belligerents. Englishmen, it is very obvious, are not a bit disturbed by the gains we have registered in international finance, in foreign trade, in the sea-carrying business. They are confident they will get it all back from us in the first ten years of peace, that London will remain the financial center and clearing-house of the world, that we shall have to relinquish the markets we have captured during the war, and that our new merchant marine will quickly lapse into inferiority or be transferred to their own more competent or less trammelled hands.

On what is their confidence based? It is based, first, on the consciousness of the fresh power which Great Britain has derived from her present ordeal. Nothing since the introduction of the steam engine has so revolutionized, so renovated, sent such an invigorating stir through the whole of British industry as this war. For the past two-and-a-half years the most inventive and most highly trained brains in the kingdom have been placed freely at the disposal of the Government and have applied themselves as never before to the problems of manufacture. Great Britain will emerge from the war incomparably better equipped and more efficient for all industrial purposes than she was when it began. Science and business were never so closely allied, the mechanism of production was never so well organized, the relations between Capital and Labor were never so sympathetic as at this moment in Great Britain; and the same brains that have solved the commercial and scientific problems of the war with conspicuous success will be at the service of British manufacturers when it is over, and will make them rivals in every way worthy of our best attention. Those who know anything whatever of the spirit of enterprise that permeates Great Britain today, of the extent to which whole trades have been reorganized by the Government, of the miracle of industrial improvisation which has been wrought for the purpose of turning out munitions, and of the huge factories equipped with the latest machinery that

have been erected, must be perfectly aware that the British industrial future is assured beyond challenge or dispute. The mere fact that in the middle of the greatest war of all history, with 6,000,000 of her men in the Army, and with another 3,000,000 engaged solely on war work, Great Britain has been able to raise her ordinary foreign trade to a point never exceeded in the most prosperous years of peace, gives the measure of her new-found capabilities.

This, then, is the first ground of the tranquillity, with which Englishmen regard our invasion of markets and spheres to which before the war we were comparative strangers. They believe they can more than hold their own by virtue of their greatly increased efficiency. But they have another ground of confidence that touches us more nearly. They believe, and all Europe believes, that the quality of American statesmanship is not level with the demands of these exacting times. They rely upon the poverty of constructive thought at Washington to harass and impede the enterprise of the rest of the country. They trust to American legislators to trip up American industry wherever it can be done. They are well aware of the almost automatic regularity with which Congress falls down before any large problem of fiscal, financial or industrial policy. They know its record in currency and banking matters during the past two generations. They see the present plight of the American railways. They have followed the campaign against the trusts. The fetters of sheer disorganization that manacle American business at almost every turn are no secret from them. They are not ignorant of the persistence with which for fifty years Congress has striven to prevent the upbuilding of an American merchant marine, and they feel every assurance that when the abnormal conditions created by the war have passed away, the effectiveness of its handiwork will become manifest and operative once more. If the American merchant or banker or manufacturer or ship-owner were given a free field, under national and rational laws, he would be, they admit, a most formidable competitor. But he is not given a fair field or anything like it; and therein, according to Englishmen, lies the salvation of British industry. So long as we continue to send to Congress an overwhelming majority of meddling lawyers and an insignificant minority of men of affairs, so long as the best business brains of the country do not find their way to

Washington, Englishmen feel that they can sleep easy in their beds. For they possess what is little less than a permanent guarantee that one by one the opportunities opened to American citizens by the war will be taken from them, and that stupidity at the Capitol will always thwart, and frequently nullify, our best efforts to make ourselves felt in international commerce and finance.

The warning issued recently by the Federal Reserve Board against American participation in the unsecured loans of the British Government—for that was what in effect the warning came to—was a case in point. Our people admittedly are only just beginning to take a hand in world-finance. It is to them a novel experience. They need educating in its possibilities. They need especially to be informed as to the intimate connection between foreign trade and foreign loans. Comparatively speaking, they are still without standards by which to weigh and facilities with which to prosecute their new venture. Their investment horizon hitherto has been pretty well bounded by their own country and they have barely as yet even initiated themselves in the mysteries of international credit. Yet this is the moment that the Federal Reserve Board chooses for the issue of a general warning which could only have the effect of nipping America's budding interest in larger fields of finance and inducing her to turn her back upon them. Nothing could have suited the British book better. Here was the highest financial authority in the United States deliberately restricting American activities in international finance, doing what it could to remove all doubt that the financial ascendancy of London would remain undisturbed, and notifying the world that America was nearing the limit of her loaning capacity and must walk warily before undertaking fresh obligations. Whether the Federal Reserve Board understands the bankers' business better than they understand it themselves, or whether these ex-cathedra deliveries on current financial questions were expected to be one of the functions of the Board when it was constituted, or whether they are calculated to add anything to the smooth working of the highly delicate machine of international credit, we will not attempt to determine. But certainly it was not by such grandmotherly methods that London built up and still retains its financial supremacy.

The Board's statement has done more than all the preachings of her own economists to force Great Britain to

prohibit all imports from America that are not absolutely necessities, and to develop with the utmost speed other sources of supply in the Empire and South America. That was the natural and foreseen result of refusing to a good customer the sort of credit facilities he desired. But its real significance lay in its revelation of the incapacity of American officialdom. To indicate, as the Board did, a decided preference for loans secured by the deposit of American securities, was not to cast doubts on British financial strength, but to betray American inexperience. It was to stipulate for a condition which our people will insensibly come to regard as the concomitant of all foreign loans. Yet it is a condition which most certainly will not be asked, or if asked, will not be granted, when peace returns. The action of the Board, therefore, did nothing to help on, but a good deal to hinder the education of the American people in international finance. It closed avenues of profitable enterprise that American bankers by their own skill and foresight had just begun to explore. It went far toward restricting the scope of American finance to the boundaries of the United States, and in doing so it facilitated the return of London to the full financial primacy that she held before the war. And it convinced the world—what is indeed the truth—that so long as we remain as we are today, the least organized and least efficient nation on earth, so long as our legislatures and our administrative authorities are on a par with the Federal Reserve Board, the Europe that will emerge from the war, geared up to the highest pitch of ordered energy, can well afford not to take American competition too seriously.

AFFAIRS OF THE STATES

THE recent annual meeting of the “House of Governors,” as it was originally called, attracted less attention and commanded less interest than it deserved. This year’s meeting of the Governor’s Conference was the ninth. In the nine years many interesting addresses have been delivered and many interesting topics have been discussed; but we are afraid that it would be difficult to name many concrete results of public beneficence which have been achieved. Yet some of the stated objects of the conference are practical and beneficent in a high degree—“the promo-

tion of greater uniformity in State legislation, and the attainment of greater efficiency in State administration."

Greater uniformity in legislation is obviously desirable. While the States are independent of each other, they are all members of a common Union and their relations with it are required to be uniform. Their commercial and social relations with each other are intensely and increasingly intimate. Moreover, they are required by the Constitution to give full faith and credit to each other's public acts, records and judicial proceedings. Radical differences in legislation and in jurisprudence make some of these conditions difficult to fulfill. We are not sure that they are entirely fulfilled. If, for example, a marriage or a divorce which is made in one State and is recognized there as perfectly valid, is regarded in another State as invalid, null and void, how can we successfully contend that each State gives full faith and credit to all the public acts and judicial proceedings of the other?

To continue the same example: There are no fewer than thirty-five different causes for absolute divorce recognized by the various States. But not one of them is recognized by all the States, since one State grants no divorce for any cause; and we are not sure that any two States agree exactly in their selections of the causes which in them are valid. It would surely promote the social and moral welfare of the States, if there could be a much greater degree of uniformity in such matters.

Equally noteworthy are the differences among the States in matters of legislation and administration which have no direct relation to morals. One of the most striking and perhaps most important is that in taxation. The per capita revenue varies enormously. The average in the United States is \$4.66, and in the separate States it ranges from \$9.47 in Nevada down to \$1.72 in South Carolina. Nor are the contrasts by any means merely between States widely separated and widely different in character. Thus Maine and Vermont receive respectively \$7.60 and \$7.27, while New Hampshire, lying between them, has only \$5.52. The figures for Minnesota are \$8.85, and for adjacent Iowa \$4.27, or less than half so much. Why should Louisiana have a per capita revenue of \$4.92 and Missouri one of only \$2.96? Or Arizona \$9.24 and New Mexico \$5.09? Why does Washington collect \$8.16 and Oregon only \$5.85?

The sources of revenue show similar differences. The

chief source is, of course, taxation; generally speaking. But in some States it is a minor source. Thus in the two Dakotas considerably less than half of the revenue comes from taxes, the major part coming from earnings of departments and from highway privileges, rents and interest. Generally taxes on property are the chief item of revenue, but not invariably. In just one-fourth of the States property taxes provide less than fifty per cent. of the revenue, these States being diverse in location and character—Rhode Island, Ohio, Minnesota, Missouri, North Dakota, South Dakota, Delaware, Maryland, Virginia, Montana, Wyoming, and California. The next most important item in most States is the tax derived from business and non-business licenses, and in the four widely scattered and contrasting States of Rhode Island, Missouri, Delaware and California it exceeds the property tax. Some striking contrasts are presented by adjacent and similar States. Thus North Carolina gets 14.7 per cent. of her revenue from license taxes, and South Carolina only 4.8 per cent.; Missouri 35.6 per cent. and Arkansas 6.2 per cent.; Rhode Island 46.2 per cent. and Connecticut 10.9 per cent.; Ohio 39.4 per cent., Illinois 13.2 per cent., and Michigan 6.9 per cent.; California 44.1 per cent. and Oregon 7.4 per cent.

The taxes on property show no less striking contrasts; whether we take their percentages of the whole revenue, or their actual amounts per capita in dollars and cents. In the whole United States property taxes average \$2.73. In New England as a whole they average \$4.19, ranging from \$4.95 in Vermont to \$2.11 in Rhode Island. In New Jersey they are \$4.98, in New York \$3.18, and in Pennsylvania \$2.52. In Wisconsin they are \$4.62, and in Ohio only \$1.83. In Nebraska they are \$2.78, and in Missouri only \$0.91—the lowest in any State in the Union. In Florida they are \$2.08 and in South Carolina \$1.11. In Arizona they are \$7.28 and in New Mexico \$2.80. In Washington they are \$5.88 and in California \$2.72.

The great contrasts in moral and penal legislation, and in amounts and methods of taxation are of real and great importance, and it would be well to have the House of Governors see if it cannot lead the way to a uniform adoption of the best systems.